(Spl. - H.C.A.S. C.D., 78-e)

FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF BOMBAY AT GOA

PANAJI – GOA

APPELLATE SIDE

WRIT PETITION NO. 325 OF 2004.

Office Notes, Office Memoranda of Quorum appearances, Court's orders, or directions and Registrar's orders.	Court's or Judge's Orders.

Shri Y.V. Nadkarni, Advocate for the Petitioner.

Shri P.A. Kamat, Advocate for the Respondent No.1.

Shri M.S. Sonak and Shri D. Pangam, Advocates for the Respondent No.2.

Shri A.N.S. Nadkarni, Advocate General with Shri N. Takkeker, Addl. Govt. Advocate for Respondent No.3.

CORAM : B.H. MARLAPALLE &
N.A. BRITTO, JJ.

DATE : 28th September, 2004.

P.C.

The interesting dispute which arises between the Petitioner and the Respondent No.2 regarding the illegal filling up of the nulla for construction of the road is the

subject matter which requires to be gone into by the Village Panchayat (Respondent No.1) as well as the Deputy Collector on the basis of the Report of the Surveyor and undoubtedly after hearing all the parties concerned, including the Petitioner and the Respondents No.1 and 2.

It is clear from the affidavit-in-reply submitted by the Deputy Collector, Bardez II, S.D.O. Mapusa that the Village Panchayat had initially furnished wrong survey numbers and now the same Village Panchayat has stated that the properties concerned are in Survey Nos. 196/50 to 196/54 and 196/58. By Order dated 10.9.2004 the Office of the Deputy Collector and S.D.O., Mapusa has directed the Inspector of Survey and Land

Records to demarcate the public nulla at Cobravado, passing along various survey numbers including 197/50 to 54 and 58 and 190/88 and others of Village Calangute. After the report is submitted by the Surveyor, the Deputy Collector will hear the respective parties and direct the Village Panchayat to take action as per law. The investigation should be not only in respect of the complaints filed by the petitioner, but also the complaints filed against him by other residents of the village.

We, therefore, direct the Deputy Collector to complete the inquiry after hearing the parties concerned, as expeditiously as possible and in any case within a period of two months from today and direct the

Village Panchayat to proceed according to law.

Petition disposed of with the above directions.

B.H. MARLAPALLE, J.

N. A. BRITTO, J.

sl.